

APPELLATE PROCEDURE FOR CONTRACT AND CONFLICT ATTORNEYS

November 1, 2008

APPELLATE DEFENDER STAFF

Jim Wheelis	Chief Appellate Defender
Joslyn Hunt	Assistant Appellate Defender
Koan Mercer	Assistant Appellate Defender
Lisa Korchinski	Assistant Appellate Defender
Tammy Hinderman	Assistant Appellate Defender
Kelli Sather	Assistant Appellate Defender
Roberta Zenker	Assistant Appellate Defender
Sarah Braden	Office Manager/Paralegal
Katrina Sherman	Legal Secretary/Paralegal
Rachel Smith	Legal Secretary/Receptionist

OFFICE OF THE STATE PUBLIC DEFENDER APPELLATE DEFENDER OFFICE

301 SOUTH PARK, ROOM 568
P.O. BOX 200145
HELENA, MT 59620-0145
(406) 841-2001
(406) 841-2003 (fax)

Please follow this procedure to appeal to the Montana Supreme Court.

Upon final written judgment by the district court, contact the Appellate Defender Office (ADO) at 406-841-2001 and advise that you wish to proceed with an appeal. The ADO has the right to assume all appeal cases which a contract or conflict attorney handled at the District Court level.

As a contract/conflict attorney, it is your responsibility to:

- Complete the [Appellate Referral Form](#) (ARF) online and submit it electronically to the ADO.
- Upon submission, you must file a Notice of Substitution of Counsel (Attachment A).
- Upon submission, you must send the district court file along with a current copy of the district court docket sheet to the ADO. The ADO will then file the notice of appeal on behalf of the Appellant and submit a request for production of transcripts.
- *It is very important that you complete this process in a timely matter so that the ADO has time to review the case and make a decision on the transcripts prior to the expiration of the appeal deadline.* The ADO requests that on criminal appeals, you complete the ARF within 20 days of the date of judgment; on D/N cases and mental health commitments, please complete the ARF within 7 days.

If you have any questions regarding this procedure please contact Jim Wheelis, Chief Appellate Defender or Sarah Braden, Office Manager/Paralegal.

ATTACHMENT A

NOTICE OF SUBSTITUTION OF COUNSEL

▶
Office of the State Public Defender

▶
▶, MT ▶
Telephone: (406) ▶

Attorney for Defendant/Appellant

MONTANA ▶ JUDICIAL DISTRICT COURT, ▶ COUNTY

STATE OF MONTANA,)	
)	Cause No. ▶
Plaintiff,)	
)	
v.)	NOTICE OF SUBSTITUTION
)	OF COUNSEL
▶,)	
)	
Defendant.)	

COMES NOW ▶, counsel of record in this matter, and notifies this Court that the Appellate Defender Office will further represent the above-named Defendant for purposes of appeal of this case to the Montana Supreme Court. All future correspondence should be directed to their office at 301 S. Park, Room 568, P.O. Box 200145, Helena, MT 59620-0145, telephone (406)841-2001.

DATED this _____ day of _____, 2008.

By: _____
▶

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing Notice of Substitution of Counsel to be hand-delivered and/or mailed to:

▶
County Attorney
▶

MIKE MCGRATH
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
P.O. Box 201401
Helena, MT 59620-1401

▶ (Defendant)

OFFICE OF THE STATE PUBLIC DEFENDER
APPELLATE DEFENDER OFFICE
P.O. Box 200145
301 S. Park Ave.
Helena, MT 59620-0145

DATED: _____